

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Youth Rehabilitation Services**



Office of the Director

**TESTIMONY OF DEPARTMENT OF YOUTH REHABILITATION
SERVICES DIRECTOR, VINCENT SCHIRALDI AT
AN INVESTIGATIVE HEARING ON
DYRS PLACEMENTS AND PROGRAMS AND THEIR IMPACT
ON
YOUTH VIOLENCE AND PUBLIC SAFETY
08 OCTOBER 2008**

Good morning, Chairman Wells and members of the Committee:

I want to thank you for the chance to discuss the efforts that the Department of Youth Rehabilitation Services is undertaking to improve public safety and the safety of young people committed to our care. We believe that the Department's most important responsibility is to help ensure public safety, and we welcome the opportunity to discuss our efforts to make our communities safer and help transform young lives.

Before getting into DYRS' outcomes, it is important to first place the issue of youth violence and public safety in an historical context and then to examine what the Department of Youth Rehabilitation Services has accomplished since my tenure, which is something we do internally on an ongoing basis. It is critically important for DYRS to continue to receive the political and public support that we've had thus far so we can continue to develop and refine programs, supports and opportunities that enable our young people to turn their lives around while keeping our communities safe.

First, the whole issue of where youth should best be placed was the subject of serious debate, discussion and, ultimately, consensus long before I assumed leadership of DYRS. The very first

page of the *Jerry M.* Consent Decree signed over two decades ago in 1986, states three General Principles:

1. *The parties (of which DC government was one) recognize and acknowledge the right of children to be housed and provided services in the least restrictive setting consistent with the protection of the public [and] the youth's individual needs...*
2. *The parties recognize the right of a child not to be confined in any District of Columbia secure juvenile facility if that child is capable of functioning safely by himself or with the responsible assistance of others without serious danger to himself or others, in a community based setting.*
3. *The parties recognize and acknowledge that it is in the best interest of children to remain in secure pretrial detention for as short a time as possible...*

After years of frustration, contempt citations, hearings, multi-million dollar fines and scandals, in 2000 Mayor Anthony Williams established a Blue Ribbon Commission Chaired by then-Chief Judge Eugene Hamilton, who is now one of DYRS' Advisory Board members, and made up of key stakeholders inside and outside government to provide the Mayor and Council with recommendations on the best way to reform our troubled juvenile justice agency. In similar fashion to the *Jerry M* Consent Decree, that Commission found:

There is over detention and over commitment of juveniles. More diversion opportunities and home and community-based programming options are needed to keep youth out of the juvenile justice system.

The Commission went on to note that incarceration at training schools like Oak Hill is costly and does not reduce recidivism, recommending expansion of community based programs, establishment of "more uniform criteria for placement decisions," and replication of the Missouri Model of secure care instead. This comports with national research which shows that confinement of inappropriate youth in juvenile institutions is one of the strongest predictors of future recidivism of any factor.

In the years following the issuance of the Commission's report, the Mayor and Council took up the issue of juvenile justice several times. In late 2003, plaintiff's Counsel in the *Jerry M.* case moved to place the Youth Services Administration, DYRS' predecessor agency, into Court Receivership. The following year, in 2004, Council passed an emergency act clarifying the role of DC's juvenile justice system as follows:

- *To preserve and strengthen families whenever possible and to remove a child from the custody of [their]...family only when it is determined to be in the child's interest or when necessary for the safety and protection of the public;*
- *To place a premium on the rehabilitation of children with the goal of creating productive citizens and to recognize that rehabilitation of children is inextricably connected to the well-being and strength of their families;*
- *To serve children in their own neighborhood and communities whenever possible, and*
- *To achieve the foregoing goals in the least restrictive settings necessary, with a preference at all times for the preservation of the family and the integration of parental accountability and participation in treatment and counseling programs.*

That same year, Council passed legislation establishing the Department of Youth Rehabilitation Services. The law stated in part that the purpose of the new Department is to “...lead the reform of the District’s juvenile justice system by coordinating the collaborative efforts of government agencies, contracted providers, labor, and community leaders to...Develop and maintain a holistic, family oriented approach to the provision of youth services that emphasizes youth and parental responsibility so as to reduce juvenile crime, delinquency and recidivism; and Develop and maintain state-of-the-art programs, delivery systems, and facilities that will transform the District’s juvenile justice system into a national model.”

I have reiterated this historical context because it is resounding evidence that there had been a tremendous amount of thoughtful discussion in the community, Council, executive branch, and Courts about the proper role of DC’s juvenile justice agency, most of which occurred before I arrived. There was a clear sense that youth were overconfined in the District of Columbia, that Oak Hill was a mess, that the community programs needed attention, that DYRS was not a real team player with other stakeholders and that all of this was jeopardizing public safety and reducing the likelihood that young people would turn their lives around. It only made sense, then, that the Department was charged with placing young people in the least restrictive setting *consistent with public safety*; transforming the outmoded and debilitating Oak Hill Youth Center so that it no longer served as a breeding ground for future delinquency; building a state-of-the-art decision-making model to discern the best placement for young people committed to the Department; and working with the community to build a model continuum of care for young people, ranging from rigorous in-home family services, through various stages of out-of-home placement close to the youth’s home,

to secure custody in a facility that humanely confines deep-end youth while helping them turn their lives around. The District's history makes it clear that for decades we have been yearning for a better approach to working with young people who have run afoul of the law, rather than just locking them up in antiquated, neglectful and, at times, abusive facilities. It was with this very clearly articulated and widely accepted mission that I accepted the position of DYRS Director in 2005.

Now in October 2008, what are the accomplishments that have been made as dictated by the legal mandates defined by the Jerry M Consent Decree, the Blue Ribbon Commission, and the DC Code and the DYRS Establishment Act of 2005? And how is DYRS caring for and supervising the 650 or so youth committed to our agency by the courts – whether they reside at Oak Hill, at a Residential Treatment Center, at a local residential placement?

Fortunately, as stated in the 2008 KIDS COUNT Data Book, over the past 20 years, a growing cadre of scholars, advocates, and hands-on juvenile justice practitioners has vastly expanded our understanding of delinquency, as well as system reform. They've compiled powerful new evidence on what works in responding to delinquency, documented the harm and waste resulting from ill-informed juvenile justice practices, devised and tested new intervention strategies, and begun putting this new knowledge of what works into widespread use. Promising reforms are now under way in many jurisdictions, and the foundation for deeper and more systemic change has been firmly established. And, Washington, DC is being recognized as a national model of juvenile justice reform.

In the fall of 2005, in response to a request from DYRS, the Annie E. Casey Foundation's Strategic Consulting Group conducted an analysis of the committed youth population at Oak Hill in order to inform our efforts to make better public safety decisions about the placement of young people. The Strategic Consulting Group immediately recognized how DYRS' chaotic and uncoordinated decision-making process was impacting the population. As I've testified to in the past, the findings showed that the more severe a youth's offense behavior, the *less* time they spent at Oak Hill, with the youth with highest level offenses spending only 63 days at Oak Hill, and the youth with the lowest level offenses spending an average of 89 days at Oak Hill. This illogical pattern of incarceration indicated that our case managers needed objective criteria to incorporate offense severity and prior offense history into their case planning and decision-making, and that the agency

needed a way to bring the voices of young people, their families and their community support network to the table in making public safety decisions.

The Casey Group's findings required an urgent short-term response, in addition to a well-thought out, longer-term strategy. Following Casey's recommendations, we first created a rudimentary screening instrument based on offense severity and prior record, which would determine the most appropriate placement setting.

Simultaneously, we partnered with the National Council on Crime and Delinquency (NCCD) to construct and implement a Structured Decision Making (SDM) risk-assessment tool and process for newly committed youth and youth likely to be committed by the DC Superior Court. NCCD is a national leader in graduated sanctions, assessment, and structured decision making. Across the country NCCD has worked with the Justice Department and state and local juvenile justice agencies to implement structured decision making in order to provide justice workers with clear, objective, and reliable tools to inform their decisions regarding appropriate system responses to particular youth and their crimes. SDM instruments clearly define the level of risk that a particular youth poses to public safety and guide decision making in a consistent manner. The DYRS SDM instrument and process were discussed repeatedly with key DC stakeholders. They conducted a series of focus groups with judges, prosecutors, public defenders, and probation. NCCD presented these groups with the theory underlying SDM and examples of SDM tools developed in other jurisdictions. Participants also gave their opinions as to the offense levels and other risk factors they felt should be reflected in the SDM. NCCD then held a similar focus group with senior DYRS staff where their findings from the stakeholder sessions were presented for consideration. In addition to the focus group discussions, a baseline SDM model was marked up to reflect the agency priorities.

DYRS then collected offense and other risk data for 256 youth committed to the agency in 2006. This sample was used to test various iterations of the SDM. A total of 14 versions were tested and reviewed. During this period DYRS continued to solicit input from prosecutors and defense attorneys concerning specific offenses and their placement on the offense severity continuum. Further modeling was conducted and eventually two versions of the SDM instrument were put forward for feedback from stakeholders.

In January 2008 a videoconference was held with the stakeholders. NCCD and DYRS reviewed the goals of instituting SDM and the process that had been undertaken to that point. The models were then presented to the stakeholders and considerable feedback was provided. A lengthy debate ensued concerning what factors should be included in the SDM risk assessment. After the January meeting with stakeholders DYRS and NCCD continued to test and refine SDM models. After the final model was selected by DYRS, it was then converted into a computerized assessment in the DYRS case management system which had been launched in December, 2007. Simultaneously, DYRS was deciding on what youth and when the SDM would be administered, what staff would administer the SDM, how existing services fit into the SDM matrix and how the SDM outcome would contribute to the ultimate service/placement decision.

A third meeting between DYRS and stakeholders was held in June 2008 to introduce them to the complete case planning process, of which SDM is one component. Also in June, NCCD conducted a training of DYRS staff on the SDM risk assessment instrument. The training covered an introduction to SDM, a review of the process undertaken to craft the DYRS instrument and process, a step-by-step instruction in how to conduct the assessment and score each question, as well as an opportunity for staff to conduct assessments on youth on their caseloads during the training.

I have deliberately taken the Committee's time to painstakingly describe the vetting and validation process for the SDM risk assessment instrument because it is indicative of our efforts to be transparent and inclusive throughout each and every step of a placement decision. However, the risk assessment instrument is only one tool that is used in the overall SDM process. In addition to being scored on the risk instrument, each youth who is determined likely to be committed is scored on a mental health assessment (called a CASII which helps identify emergent and acute mental health disorders) and has a Youth Family Team meeting where strengths, needs, and action steps are discussed and an Individual Development Plan is completed. The SDM process considers the severity of current and prior offenses and several measures that assess a youth's potential for reoffending which ensures that public safety considerations drive the placement process. Implemented in February of this year, SDM enables the youth, families, and the communities to better understand the system and to be able to rely on consistent, predictable responses from the Department. Further, the principles of Positive Youth Development undergird all of our reform efforts and are the compass that guides all decisions, indeed, all that we do on behalf of our youth and families and to preserve the public trust.

The Youth Family Team Meeting -- also referred to as YFTM -- process is an integral component of the Department's case management system and is designed to help our young people develop socially and morally appropriate aspirations and goals to which they are fully committed. Inclusion of the young person, the family, and other persons of significance in his or her life are key ingredients to effective service planning and the design of individualized services that successfully support a young person's move away from negative behaviors. It requires an accurate picture of the young person, his or her goals, strengths, challenges, and needs; implements services that effectively meet those needs; and builds on his or her strengths in the pursuit of the young person's articulated goals or aspirations. This approach avoids the mistakes made in traditional service plans that jump from the young person's deficits directly to program assignment. When families and positive community networks are involved in the healing process, the successful outcomes for system-involved youth are greatly increased and the short-term and long-term safety of the neighborhoods and communities in which those youth reside is greatly enhanced. The Individualized Development Plan focuses on supporting and enabling a transition to productive adulthood, such as connections with education, training and employment, caring adults and mentors, positive peers, community service, and leadership development opportunities - not merely keeping the young person from re-offending.

Effective inclusion of the young person and family in service planning requires dedication by everyone in the Department and the community involved with the young person and their family. Based on the understanding that young people will continue to meet their needs through negative behavior if they are not actively supported in finding positive alternatives, the YFTM emphasizes the young person taking charge of his/her change process. Our major task, therefore, is to help a young person develop socially and morally appropriate aspirations and goals to which they are fully committed and are consistent with ensuring public safety.

The initial YFTM takes place after the level of restrictiveness is determined based on the SDM tool. Placement options that are considered are restricted to those available within the recommended level of restrictiveness -- unless there is a strong justification for an override. Our approach emphasizes reserving secure care placement for the most violent and serious offenders. Other youth are increasingly served through a broad array of intermediate sanctions and community-based supervision and services. Our model and processes make intuitive and fiscal sense, and is consistent

with the District's philosophy of providing treatment in the least restrictive setting possible, without jeopardizing public safety. The result is a consensus-driven action plan.

If the young person is committed at the disposition hearing, DYRS follows the YFTM-created Individual Development Plan by implementing the services while the youth lives with family, in a group home, in independent living, or at Oak Hill. After commitment, a follow-up YFTM is convened, including some of the same participants, but adding the new service providers working with the young person. Before a young person leaves Oak Hill, he has a Pre-Release YFTM to design services to support his success in the community with family, or another placement. DYRS has a full-time re-entry coordinator who begins to work with each youth at least three months prior to his release to ensure a seamless transition back into the community. If a committed youth encounters problems in school or while living in the community, a YFTM can be re-convened to intensify services, or to revoke a young person's status in the community.

We also recognize that any time a young person commits an offense, it can leave behind victims and communities dissatisfied with the adjudication process and feeling that the youth are not being held accountable for their behavior. As a crime victim myself, I can empathize with that reaction to youth, or adult, crime. However, there is national and international research showing that juvenile offenders who understand the implications of their actions and are held accountable to their victims are less likely to re-offend than other youth.

The agency has incorporated victims into our treatment and planning for young people. Linda Harllee Harper, who leads our Resource Management and Utilization Division and Wendy Smeltzer, who leads our Youth Family Team Meeting Unit, are graduates of the District's first city-wide Victim Assistance Academy and we look forward to a progressively positive inclusion of victims into our work with young people. We are exploring several options to give victims a voice including letters of apology, victim-offender mediation and victim empathy education. We expect to have our Youth Family Team Meeting Specialists trained in Victim- Offender Reconciliation and prepared to have this in their tool box as we go about planning for a young person. Clearly, bringing a victim face to face with a youth is not appropriate in all cases. We want to be very deliberate in our decisions to use this as an option. But, we also want to use this opportunity to sensitize our young people to the needs of the victim and to help them to realize human (emotional, physical, financial, spiritual) consequences behind what they have done.

The Structured Decision Making and Youth Family Team Meeting Processes, by their very nature, are a balanced approach to juvenile justice that ensures community protection and the youth's competency development with the goal of producing law-abiding productive citizens.

DYRS is also reforming and improving our case management system. We have streamlined the case management system so that a youth is assigned to one case manager who supports him or her upon commitment all the way through the reentry stage.

DYRS now has 28 case carrying positions funded. With approximately 650 youth on our caseload, this means that we have lowered case loads from between 30-35 to 20-25, a caseload rate considered excellent by national standards. We are also deploying our case management staff into the neighborhoods where our youth reside. Most recently, we opened a field office in Ward 8 on Martin Luther King Avenue, SE, and have plans to open an office in Ward 7 co-located with the Department of Employment Services Youth Division and Child and Family Agency when the Merritt School is refurbished.

As we further develop our community-based continuum of care and widen our scope of available services, most important is the identification of non-contracted local, national, and governmental resources. DYRS has a full-time program development specialist whose primary focus is to identify and increase supports in the community for our young people through partnerships, commitments, and memoranda of understanding. The expansion of services available to our young people only increases the likelihood of our ability to meet the needs of our young people and further their progress towards their goals and aspirations. The historical low success rate of programs can be attributed to the failure to tailor services to build on the strengths and meet the needs of youth in pursuit of their articulated goals and aspirations.

Much of our focus over the past two years of the reform effort for committed youth has been to resolve deficits in our secure care facility at the Oak Hill Youth Center. DYRS has made tremendous strides in these areas and the opening of a new state of the art facility is within sight. DYRS has now turned its focus to the community and are seeking to replicate the progress and achievements of reforming our facility based operations to our community-based services, supports, and opportunities for committed youth and their families.

To help us reform the community based operations, DYRS has adopted the recommendations of a cross-section of community stakeholders to develop and implement a Lead Entity–Service Coalition concept as the means to reform our service delivery approach to committed youth with moderate and low levels of restrictiveness and as after-care services for higher risk youth as they reenter their home communities. The stakeholders developed these recommendations in 2005. In hindsight, our community-based system would be further along had I moved to implement their recommendations much sooner. Nevertheless, the DYRS Lead Entity Service Coalition concept is central to our ability to fulfill the articulated mission of the organization, which is to: “...give court-involved youth the opportunity to become more productive citizens by building on the strengths of youth and their families in the least restrictive, most homelike environment consistent with public safety.” The stakeholders’ recommendation for a Lead Entity-Service Coalition was rooted in the premise that communities should be engaged in resolving their own problems. Research supports this premise in that youth from disjointed neighborhoods end up in the juvenile justice systems at higher rates than youth from more organized communities. Ironically, research also shows that incarcerating large numbers of people from neighborhoods further destabilizes those neighborhoods. Thus, stakeholders believe, and research supports, that by building the capacity of DC’s communities to work with their own court-involved youth the Service Coalition concept would go a long way to help rebuild fragmented communities and involve young people and their families in community development, thereby improving their opportunity for success.

Under our model, two Lead Entities would be responsible for creating regionally-based Service Coalitions for designated regions of the City. The two Lead Entities of the Service Coalitions will actively engage and serve approximately 550 of the 650 committed youth. This decentralized and regionalized service delivery system would support youth as much as possible within their own families and own neighborhoods. The relationships that are established between and among providers and individuals within a designated Service Coalition will result in increased monitoring of and support for families of youth involved in the juvenile justice system that will, over time, translate into increased community/neighborhood responsibility for these youth and families. Creating and nurturing this sense of shared responsibility and accountability for youth and their families can no longer rest solely with a single case manager or government agency; but must become a shared responsibility of DYRS in partnership with the community through the Lead Entity Service Coalition model.

In the coming weeks, DYRS will initiate the implementation the Regionalized Service Coalition concept through a competitive process to the general public to identify two community-based organizations with the qualifications and capabilities to serve as Lead Entities.

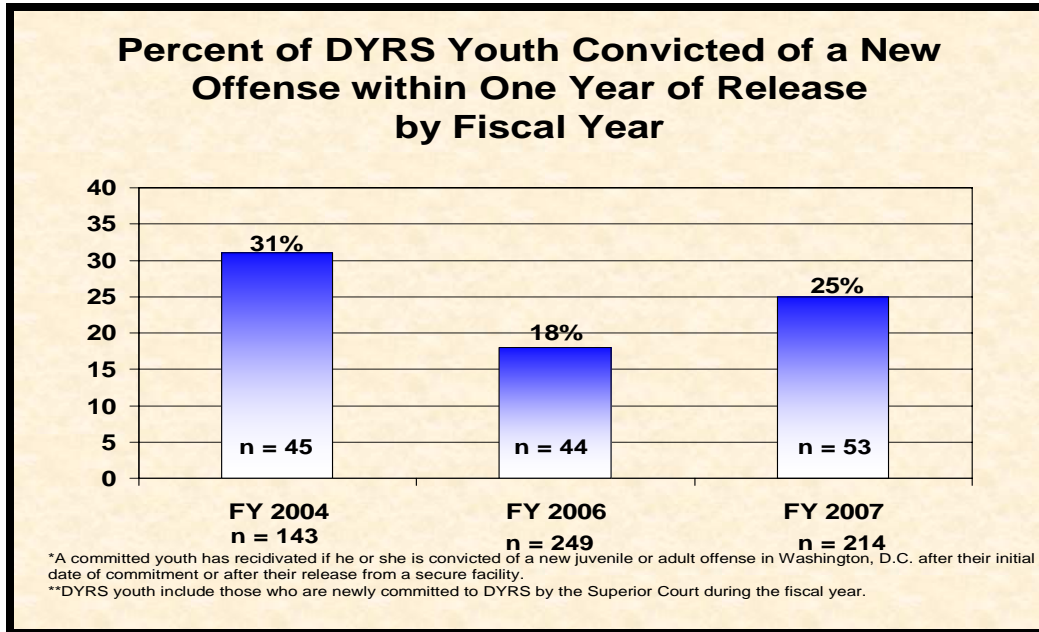
DYRS has secured support from the Court through the *Jerry M* fine fund, an indication of how far DYRS has come in that law suit, since, a few months after I arrived on the job, the District was fined millions of dollars. Now, instead of taking funds from the Department's budget, the Court, with the recommendation of the Plaintiffs and Special Arbiter, is actually providing financial assistance to the tune of \$150,000 to help us establish the Lead Entities-Service Coalitions. Additionally, DYRS has been encouraged to submit for funding from the Washington Regional Area Grantmakers (WRAG) and the Public Welfare Foundation. DYRS believes this approach represents a watershed reform that will greatly enhance the provision of services, supports, and opportunities to youth committed to our care, their families, and communities.

Does the Structured Decision Making and Youth Family Team Meeting placement process, case management reforms, the DC model program, an evolving community based-continuum of care, and community empowerment that I have delineated here today provide adequate supervision for court-involved youth, engage them proactively so that they flourish and don't get caught up in delinquent activity and, ultimately, protect public safety? In other words, are all of these reforms, some of which are executed and some of which are still a work in progress, bearing fruit yet?

I am pleased to be able to provide the Council with a newly finished recidivism study which will begin to answer questions of this type. The analysis provides the council with three primary indicators of safety – recidivism, as measured by readjudication or reconviction within one year; city-wide juvenile arrests for serious offenses from 2004 to present; and homicides of DYRS youth from 2005 to present.

With regard to youth recidivism, we looked specifically at youth newly committed to DYRS in fiscal years 2004, 2006, and 2007. FY 2004 predates the establishment of DYRS as a cabinet level agency as well as my appointment in January of 2005, so it best represents the “before” picture of DYRS. We examined new commitments in FY2006 and FY2007 because they represent the fiscal years in which the reforms were being initiated and becoming more institutionalized into policy and practice.

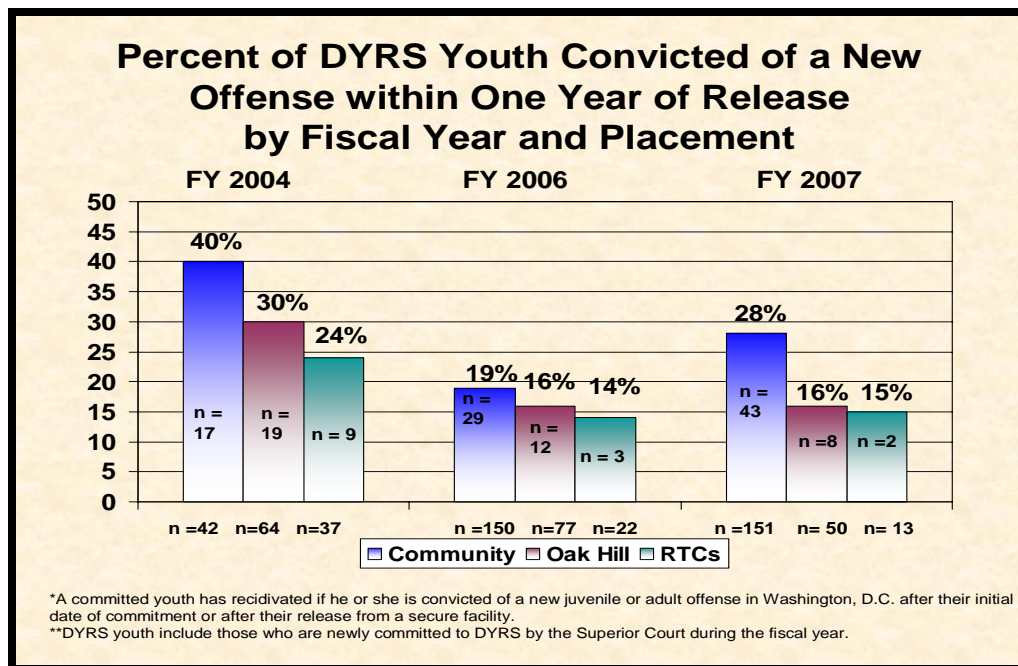
Recidivism within 12 months of returning to the community for youth newly committed to DYRS declined substantially -- from 31% in FY 2004 to 25% in FY 2007. The recidivism rate for the FY2006 cohort was the lowest of any year in this study at 18%.



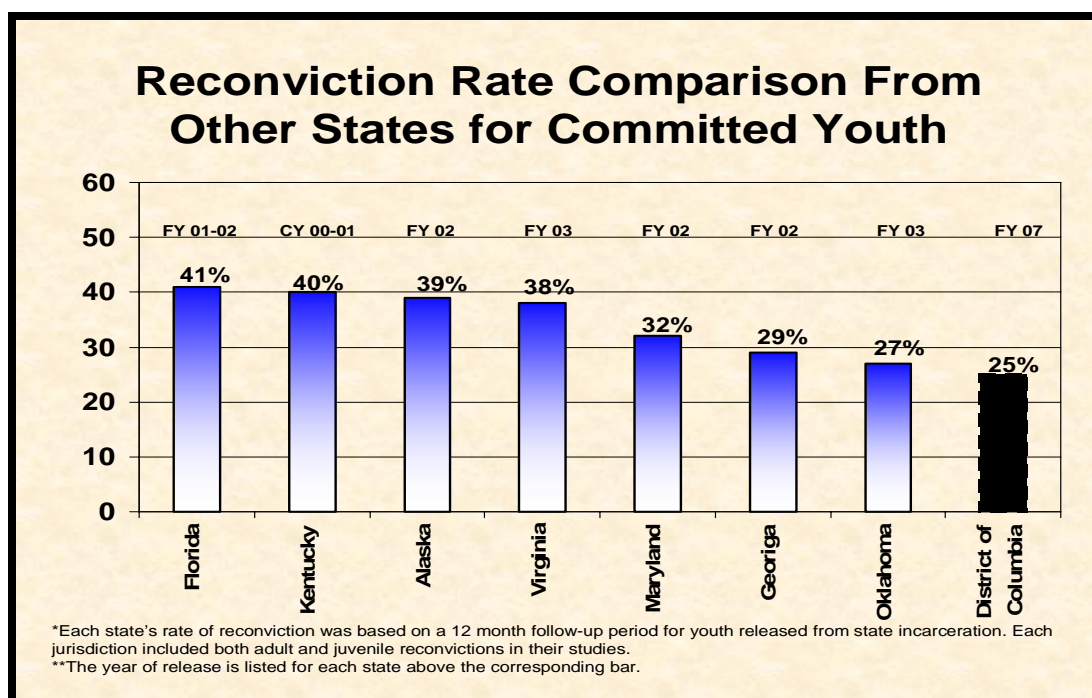
For recidivism by placement, we also see a substantial decrease in recidivism between FY2004 and subsequent years.

- For youth released to the community, recidivism decreased 30% between FY 2004 and FY 2007 and was lowest in 2006.
- For youth released from Oak Hill, the rate of recidivism decreased 47% between FY 2004 and FY 2006 and held steady in FY 2007.
- For youth released from Residential Treatment Centers (RTCs), the rate of recidivism dropped 42% between FY 2004 and FY 2006 and remained largely unchanged in FY2007.

DYRS is currently in the process of further disaggregating the data on youth who recidivated to better understand what services, placement types and specific providers had the highest recidivism rates.



Although great caution needs to be exercised in cross-jurisdictional comparisons of recidivism, DYRS' overall rate of recidivism is lower when compared to the most recently published data from other states such as Virginia and Maryland. This despite the fact that the number of new commitments to DYRS has increased two and one-half fold between FY2004 and FY2008, putting a strain on agency resources.



There is one other finding from the study that I wish to bring to your attention: The percentage of juveniles within our care who are tragically victims of homicides has generally declined, with a small increase in 2008.

As a result of these painful lessons, DYRS is continuing to improve its knowledge and data gathering of gangs/crews in the city, active “beefs” among gangs/crews, and what level of participation our youth have in these gangs/crews. This knowledge is vital to consider when making release or placement decisions. When DYRS places a stay away order from a certain neighborhood as a condition of Community Release for a youth, an alert on the YES! System will be activated and to the degree DYRS is able to share that information with MPD and community partners, we will. In addition, our Committed Case Management Division is becoming much more proactive in obtaining and utilizing information from Probation and Detained Services on committed youth.

Second, we want to delve more deeply to explain, understand, and research further our recidivism data. To this end, I am pleased to announce the formation of a DYRS Research Advisory Panel comprised of prominent researchers, professors, and practitioners. Not only will they inform the examination of our recidivism data, but they will also assist in the development of outcome measures based on the principles of Positive Youth Development. We do not want to measure success just by whether a youth gets re-convicted, but whether or not our youth are involved in other positive activities which research shows will make them more likely to be successful, such as being engaged with a positive adult role model and in meaningful education and work experiences. Already Shay Bilchik, head of President Clinton’s Federal Juvenile Justice Agency and former top juvenile prosecutor for Miami, has agreed to chair this distinguished panel, whose members include William Chambliss, former President of the American Society of Criminology and a professor at George Washington University, Vernetta Young, Professor at Howard University, Brenda Smith, Professor at American University, and Jeffrey Butts, formerly of the Urban Institute and now of the University of Chicago.

Data-driven research and measurable outcomes are essential for resource allocation and good public policy. But, there are human beings behind these numbers who represent the real successes we’re all striving for.

Last month, DYRS awarded 35 youth plaques and special recognition at our annual Youth Recognition Awards program. These young people were attending college and receiving honors, getting food handlers licenses, becoming student members of the campus NAACP, and giving keynote speeches and public performances. They often struggled during their time with us, rarely succeeding on the first try. But they and our staff stuck with it, and they excelled in the final analysis. Their stories are often untold because somehow the stories of young people's failures gain greater voice than the stories of their successes.

As we continue to transform our system – and we are by no means saying that we are anywhere near to being done with that important task we continue to strive to achieve what the Council and Mayor, the Consent Decree and the Blue Ribbon Commission directed us to -- diverting the less serious offenders from debilitating confinement; confining the more seriously troubled youth in improving secure care; improving the community programs into which youth are placed; and obtaining input from the community, families, legal system stakeholders and youth in the reform process. We understand that everyone does not agree with those goals and that there are some who agree with those goals while disagreeing with our approach to achieving. We intend to forge ahead with our reforms, while continuing to work with the various stakeholders to improve our approach to creating in the District of Columbia, the nation's best juvenile justice system, a system of which we hope to make DC residents proud. I thank the Committee for this opportunity to discuss our efforts and look forward to your questions regarding my presentation.